



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor Application of : BRESLOW, Stuart Lee et al.
Serial No. : 09/476,448
Filed : December 30, 1999
Title : **ON-LINE TRADING SYSTEM**
Examiner : Andrew J. Rudy
Group Art Unit : 3627

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF GREGG GOLDMAN

GREGG GOLDMAN deposes and says:

1. This Declaration is being filed in support of U.S. Patent Application No. 09/476,448, filed December 30, 1999 (hereinafter "the Application"), to Stuart Lee Breslow et al. More particularly, this Declaration is being filed in support of Applicants' concurrently filed Petition For Revival Of An Application Abandoned Unavoidably Under 37 C.F.R. 1.137(a) And, In The Alternative, Conditional Petition For Revival Of An Application Abandoned Unintentionally Under 37 C.F.R. 1.137(b).

2. I have been the in-house attorney in charge of the Application at UBS AG, the assignee of the Application, at all times relevant to this Declaration. During my entire tenure at UBS AG, the following address has been my business mailing address:

Gregg Goldman
UBS AG, Stamford Branch
677 Washington Blvd.
Stamford, CT 06901

3. Accordingly, at all times relevant to this Declaration, all communications from the United States Patent and Trademark Office ("USPTO") received at the above business mailing address would have been received by me.

4. Prior to February 4, 2005, the Applicants were represented in this application by the firm of Brown Raysman Millstein Felder & Steiner LLP, 163 Madison Avenue, P.O. Box 1989, Morristown, NJ 07962-1989 (hereinafter "Brown Raysman").

5. On information and belief, on February 4, 2005, Brown Raysman filed a "REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS." This Request listed the new correspondence address as:

Gregg Goldman
UBS AG, Stamford Branch
677 Washington Blvd.
Stamford, CT 06901

A copy of this Request is attached hereto as Exhibit A.

6. On February 27, 2006, the USPTO mailed a "NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY" to me at the following address:

Gregg Goldman
UBS AG, Stamford Branch
677 Washington Blvd.
Stamford, CT 06901

A copy of this Notice is attached hereto as Exhibit B. I received this Notice.

7. On May 20, 2005, I executed a paper entitled "Power of Attorney and Correspondence Address Indication Form," appointing Proskauer Rose LLP as the new legal representatives of Applicants for the Application. A copy of this Power is attached hereto as Exhibit C.

8. On May 20, 2005, I executed a paper entitled "Statement Under 37 CFR 3.73(b)." A copy of this Statement is attached hereto as Exhibit D.

9. Despite the instructions to address all future communications to Proskauer Rose LLP, on August 3, 2005, the USPTO mailed an Office Action in the Application to the following address:

Leslie Gladstone Restaino Esq.
Brown Raysman Millstein Felder & Steiner LLP
163 Madison Avenue
P.O. Box 1989
Morristown, NJ 07962-1989

A copy of the August 3, 2005 Office Action is attached hereto as Exhibit N.

10. I never received the August 3, 2005 Office Action, either from the USPTO, from Brown Raysman or from any other source, prior to September 27, 2006.

11. I was unaware of the existence of the August 3, 2005 Office Action prior to September 27, 2006.

12. On September 22, 2006, a Notice of Abandonment was mailed in the Application to me at the following address:

Gregg Goldman
UBS AG, Stamford Branch
677 Washington Blvd.
Stamford, CT 06901

A copy of the Notice of Abandonment is attached hereto as Exhibit E. I received the Notice of Abandonment on September 27, 2006.

13. Upon receipt of the Notice of Abandonment, I immediately forwarded it to John C. Stellabotte of Proskauer Rose LLP. I told Mr. Stellabotte that I had never received the August 3, 2005 Office Action, either from the USPTO, from Brown Raysman or from any other source, prior to September 27, 2006.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Gregg Goldman

10-27-06

Date



PTO/SB/83 (09-04)
Approved for use through 11/30/2005. OMB 0651-0035
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR WITHDRAWAL
AS ATTORNEY OR AGENT
AND CHANGE OF
CORRESPONDENCE ADDRESS**

Application Number	09/476,448
Filing Date	Dec. 30, 1999
First Named Inventor	Breslow
Art Unit	3627
Examiner Name	Rudy, Andrew
Attorney Docket Number	4797/34

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Please withdraw me as attorney or agent for the above identified patent application, and

- ☒ all the attorneys/agents of record.
☐ the attorneys/agents (with registration numbers) listed on the attached paper(s), or
☐ the attorneys/agents associated with Customer Number

NOTE: This box can only be checked when the power of attorney of record in the application is to all the practitioners associated with a customer number.

The reasons for this request are: A potential conflict of interest with another of the firm's clients and the present application has presented itself. The firm cannot continue prosecuting this application in light of the potential conflict.

CORRESPONDENCE ADDRESS

1. ☐ The correspondence address is NOT affected by this withdrawal.
2. ☒ Change the correspondence address and direct all future correspondence to:
☐ The address associated with Customer Number:

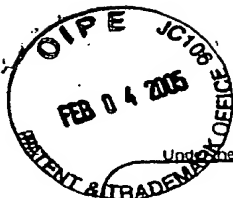
OR

<input checked="" type="checkbox"/> Firm or Individual Name	Gregg Goldman		
Address	UBS AG, Stamford Branch 677 Washington Blvd.		
City	Stamford	State	CT Zip 06901
Country	USA		
Telephone	(203) 719-3099	Fax	(203) 719-6097
Signature			
Name	Leslie G. Restaino	Registration No.	38,893
Date	February 2, 2005	Telephone No.	973.775.8930

NOTE: Withdrawal is effective when approved rather than when received. Unless there are at least 30 days between approval of withdrawal and the expiration date of a time period for response or possible extension period, the request to withdraw is normally disapproved.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



AF 13627
JFW

PTO/SB/21 (02-04)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/476,448	
	Filing Date	December 30, 1999	
	First Named Inventor	Stuart Lee Breslow	
	Art Unit	3627	
	Examiner Name	Andrew J. Rudy	
Total Number of Pages in This Submission	11	Attorney Docket Number	4797-34

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Request For Withdrawal As Attorney Or Agent And Change Of Correspondence For On-Line Trading System; Return Receipt Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Leslie Gladstone Restaino, Registration No. 38,893
Signature	<i>Leslie Gladstone Restaino</i>
Date	February 2, 2005

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Typed or printed name	Maureen Elise Kelly
Signature	<i>Maureen Elise Kelly</i>
Date	February 2, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1459
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/476,448	12/30/1999	STUART LEE BRESLOW	4034-46

Gregg Goldman
UBS AG, Stamford Branch
677 Washington Blvd
Stamford, CT 06901

CONFIRMATION NO. 7867



OC000000018145928

Date Mailed: 02/27/2006

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/04/2005.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

BETTY J KAMINSKY
3600 (571) 272-5958

OFFICE COPY



PTO/SB/83 (09-04)
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**REQUEST FOR WITHDRAWAL
AS ATTORNEY OR AGENT
AND CHANGE OF
CORRESPONDENCE ADDRESS**

Application Number	09/476,448
Filing Date	Dec. 30, 1999
First Named Inventor	Breslow
Art Unit	3627
Examiner Name	Rudy, Andrew
Attorney Docket Number	4797/34

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Please withdraw me as attorney or agent for the above identified patent application, and

- ☒ all the attorneys/agents of record.
☐ the attorneys/agents (with registration numbers) listed on the attached paper(s), or
☐ the attorneys/agents associated with Customer Number

NOTE: This box can only be checked when the power of attorney of record in the application is to all the practitioners associated with a customer number.

The reasons for this request are: A potential conflict of interest with another of the firm's clients and the present application has presented itself. The firm cannot continue prosecuting this application in light of the potential conflict.

CORRESPONDENCE ADDRESS

1. ☐ The correspondence address is NOT affected by this withdrawal.
2. ☒ Change the correspondence address and direct all future correspondence to:

☐ The address associated with Customer Number:

OR

<input checked="" type="checkbox"/> Firm or Individual Name	Gregg Goldman		
Address	UBS AG, Stamford Branch 677 Washington Blvd.		
City	Stamford	State	CT
Country	USA		
Telephone	(203) 719-3099	Fax	(203) 719-6097
Signature			
Name	Leslie G. Restaino	Registration No.	38,893
Date	February 2, 2005	Telephone No.	973.775.8930

NOTE: Withdrawal is effective when approved rather than when received. Unless there are at least 30 days between approval of withdrawal and the expiration date of a time period for response or possible extension period, the request to withdraw is normally disapproved.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/61 (09-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM

Application Number	08/476,448
Filing Date	December 30, 1999
First Named Inventor	Stuart Lee Breslow
Title	ON-LINE TRADING SYSTEM
Art Unit	3627
Examiner Name	Andrew J. Rudy
Attorney Docket Number	74622-010

I hereby appoint:

☒ Practitioners associated with the Customer
Number:

21890

OR

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☒ The address associated with the above-mentioned Customer Number:

OR

☐ The address associated with Customer Number:

21890

OR

☐ Firm or
Individual Name

Address

City

State

Zip

Country

Telephone

Fax

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Signature

Date

5/20/05

Name

Gregg I. Goldman

Telephone

203.719.3099

Title and Company

Director and Senior Counsel, Technology and Intellectual Property, UBS AG, Stamford Branch

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

5595/74622-010 NYLIB1/1822734v1

05/20/2005 12:31 PM

PTO/SB/88 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Stuart L. Breslow, et al.Application No./Patent No.: 09/476,448 Filed/Issue Date: December 30, 1999Entitled: **ON-LINE TRADING SYSTEM**

UBS Financial Services, Inc., a Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

A ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Stuart Lee Breslow et al. To: Painwebber Incorporated
The document was recorded in the United States Patent and Trademark Office at
Reel 010486, Frame 0498, or for which a copy thereof is attached.
2. From: Painwebber Incorporated To: UBS Painwebber Inc.
The document was recorded in the United States Patent and Trademark Office at
Reel 012257, Frame 0728, or for which a copy thereof is attached.
3. From: UBS Painwebber, Inc. To: UBS Financial Services, Inc.
The document was recorded in the United States Patent and Trademark Office at
Reel 014467, Frame 0783, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

[Signature]
Signature

5/20/05
Date

Gregg J. Goldman
Printed or Typed Name

202 719 3099
Telephone Number

Director and Senior Counsel, Technology and
Intellectual Property, UBS AG, Stamford Branch
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/476,448	12/30/1999	STUART LEE BRESLOW	4034-46	7867

7590 09/22/2006
Gregg Goldman
UBS AG, Stamford Branch
677 Washington Blvd
Stamford, CT 06901

EXAMINER

RUDY, ANDREW J

ART UNIT	PAPER NUMBER
----------	--------------

3627

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment

Application No.

09/476,448

Examiner

Andrew Joseph Rudy

Applicant(s)

BRESLOW ET AL.

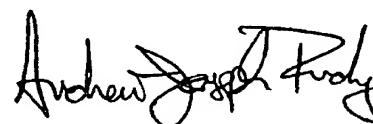
Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 03 August 2005.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:



Andrew Joseph Rudy
Primary Examiner
Art Unit: 3627

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.